

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 1 and 11 have been amended and claims 3 and 4 have been cancelled. No claims have been added. No new matter has been added by way of the amendments.

Claims 1, 5-7 and 11 are pending and under consideration. Claims 1 and 11 are independent claims. Reconsideration of the claims in light of the present amendments and the following remarks is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 1, 5-7 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over "the applicant's admitted prior art" ("AAPA") in view of U.S. Patent No. 6,577,566 issued to Tomita ("Tomita"). Claims 3 and 4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tomita in view of U.S. Patent Application No. 2002/0054974 by Takahashi et al. ("Takahashi"). Applicant traverses the rejection for at least the reasons discussed herein and reconsideration is respectfully requested.

Amended claim 1 recites at least the following features:

inspecting a quality of an RF of data recorded in the land tracks in response to data being recorded only in the land tracks; and
inspecting a quality of an RF of data recorded in the groove tracks in response to data being recorded only in the groove tracks;

Tomita and Takahashi, taken separately or in combination, fail to suggest or disclose all of the above-recited features of amended independent claim 1.

The current Office Action appears to note at page 4 that Tomita fails to describe all of the above-recited features. However, the Office Action proposes to modify Tomita with Takahashi, and asserts that Takahashi "teaches adjusting the phase separately for the land and groove to improve SNR" at par. [0100]. Assuming for the sake of argument that the Office Action assertion is correct, Applicants assert that Takahashi still fails to describe all of the above-recited features for at least the following reasons.

The Office Action asserts that Takahashi describes all of the above-recited features because Takahashi "teaches adjusting the phase separately for the land and groove to improve

SNR.” However, merely improving a SNR fails to suggest “inspecting a quality of an RF of data recorded” because other attributes may contribute to a quality of an RF other than SNR. Moreover, “adjusting the phase” is not the same as inspecting. Further, there is nothing in the cited text that describes determining whether data is recorded only in the land tracks or only in the groove tracks, and therefore the cited text cannot suggest “inspecting a quality of an RF of data” as recited above.

Accordingly, Applicant respectfully submits that amended independent claim 1 patentably distinguishes over Takahashi and Tomita, and should be allowable for at least the above-mentioned reasons. Since similar features recited by independent claim 11, with potentially differing scope and breadth, are not taught or disclosed by Takahashi and Tomita, the rejection should be withdrawn and claim 11 also allowed. In addition, claims 5-7 which depend from independent claim 1 should be allowable for at least the same reasons as claim 1, as well as for the additional features recited therein.

REQUEST FOR ENTRY IN ACCORDANCE WITH 37 CFR 1.116:

Entry of this Amendment in accordance with 37 CFR 1.116 is respectfully requested. Applicant submits that this Amendment After Final Rejection places the subject application in condition for allowance. This Amendment was not presented earlier because Applicant believed that the prior Amendment placed the subject application in condition for allowance. Further, this Amendment should only require a cursory review because the claim amendments presented herein do not add new features. Accordingly, entry of the instant Amendment is respectfully requested.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 10/724,138

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

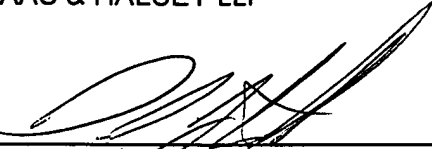
Respectfully submitted,

STAAS & HALSEY LLP

Date:

5/21/08

By:



David J. Cutitta

Registration No. 52,790

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501